

**BRATTLEBORO SELECTBOARD  
TUESDAY, SEPTEMBER 1, 2015  
COMMITTEE INTERVIEWS – 5:15PM  
EXECUTIVE SESSION – 5:45PM  
REGULAR MEETING – 6:15PM  
MINUTES**

Selectboard members present: David Gartenstein, Kate O'Connor, David Schoales, Donna Macomber, and John Allen.

Staff present: Town Manager Peter B. Elwell, Assistant Town Manager Patrick Moreland, and Executive Secretary Jan Anderson.

Media present: Tim Johnson representing WTSA and Howard Weiss-Tisman representing the Brattleboro Reformer.

Others present: Robert Stevens, Adam Grinold, Josh Davis, Will Dodge, Gordon Hayward, Sarah Bowen, Meg Barr, Jessica Gelter, James Banslaben, Katie Buckley, ASL Interpreters Elizabeth Bjerke and Christine Bricault, BCTV staff and volunteers, and others who did not sign the attendance sheet.

Chair Gartenstein called the meeting to order at 5:18pm in the Selectboard meeting room in the Municipal Center. He confirmed that the meeting was officially warned.

Gartenstein said that the Board would hold interviews of applicants for the NEA "Our Town" Grant Selection Committee. Gordon Hayward, Sarah Bowen, Meg Barr and Jessica Gelter spoke about their qualifications and desires to be appointed to the Committee. There was some discussion by the Board. After the interviews, Gartenstein said that the Board would form the committee and make appointments later during the business meeting.

**MOTION BY DAVID GARTENSTEIN TO ENTER INTO EXECUTIVE SESSION TO DISCUSS PROBABLE CONTRACTS, LABOR RELATIONS AGREEMENTS WITH EMPLOYEES, PENDING OR PROBABLE CIVIL LITIGATION OR PROSECUTION TO WHICH THE PUBLIC BODY IS OR MAY BE A PARTY, NEGOTIATING OR SECURING OF REAL ESTATE PURCHASE OR LEASE OPTIONS, AND APPOINTMENT OF PUBLIC OFFICERS. THE TOWN MANAGER WAS INVITED TO ATTEND. MOTION CARRIED 4-0 (O'CONNOR WAS NOT PRESENT AT THE TIME OF THE VOTE).**

Gartenstein reconvened the meeting at 6:20pm.

***APPROVE MINUTES***

**MOTION BY JOHN ALLEN TO APPROVE THE MINUTES FROM AUGUST 11, 2015 AND AUGUST 18, 2015 AS PRESENTED. MOTION CARRIED 5-0.**

***CHAIR'S REMARKS***

Chair Gartenstein announced that Senator Patrick Leahy was in Town yesterday to participate in the groundbreaking for Red Clover Commons and to announce the award of federal grant money to Brattleboro Development Credit Corporation (BDCC) for economic development in the region. He discussed the importance of economic development and said that the Town's core roll was to focus on municipal services, and that the Town's involvement was, at times, different from that of other entities involved with regional economic development issues. He noted that collaboration with other state and local partners was essential for positive economic development. He spoke of several development projects taking place in town.

***MANAGER'S COMMENTS***

Town Manager Elwell reviewed some of the capital improvement projects taking place in town this summer. He also spoke about the installation of cameras at the recycling bins at the Fairground Road location and noted that violators dumping garbage at that location had been identified and fined. He also

reviewed the progress of the downtown sidewalk replacement project schedule, and said that the bulk of the work should be completed by the end of September. Kate O'Connor reminded the public that the downtown stores were open for business during the sidewalk construction. Elwell then discussed the paving and road improvements being made to the Hinesburg Road and other streets scheduled for paving this summer.

### **SELECTBOARD COMMENTS AND COMMITTEE REPORTS**

Schoales said that the Windham Solid Waste Management District WSWMD recently signed a contract for installation of solar panels on the former dump site and was currently working on accommodating the site for the panels. He also noted that the Planet Gas Station on Western Avenue had been demolished in order to make a parking for the Farmers' Market.

### **PUBLIC PARTICIPATION**

None.

### **LIQUOR COMMISSIONERS**

#### **MOTION BY DONNA MACOMBER TO CONVENE AS LIQUOR COMMISSIONERS. MOTION CARRIED 5-0.**

Special Event Permit – *Three Dollar Dewey's, Inc., d/b/a McNeill's Pub and Brewery*. Gartenstein said that the Board was asked to approve a special event permit for Three Dollar Dewey's, Inc., d/b/a McNeill's Pub and Brewery for a special event at the New England Youth Theatre, located at 100 Flat Street, on September 4, 2015, from 7:00pm to 10:00pm. Elwell said that the application had been approved by the Police and Fire Departments. There was not discussion by the Board.

#### **MOTION BY DAVID SCHOALES TO APPROVE THE SPECIAL EVENT PERMIT FOR THREE DOLLAR DEWEY'S, INC., D/B/A MCNEILL'S PUB AND BREWERY, FOR A SPECIAL EVENT AT THE NEW ENGLAND YOUTH THEATRE ON SEPTEMBER 4, 2015, FROM 7:00PM TO 10:00PM. MOTION CARRIED 5-0.**

#### **MOTION BY DAVID SCHOALES TO ADJOURN AS LIQUOR COMMISSIONERS. MOTION CARRIED 5-0.**

### **UNFINISHED BUSINESS**

Telecommunications Tower – *1277 Putney Road, Blue Sky Towers LLC (for AT&T Mobility)*. Gartenstein said that the Board previously discussed the Town's position regarding the petition filed with the Public Service Board (PSB) by Blue Sky Towers LLC (for AT&T Mobility) to erect a wireless communication tower at 1277 Putney Road. He reviewed some of the Board's concerns that were voiced at the August 18 Selectboard meeting, including the visual impact, height and color of the tower, and co-locating it with another existing tower. Attorney Will Dodge from Downs Rachlin & Martin, representing Blue Sky Towers and AT&T was present and he provided additional information about the tower and coverage if the height of the tower was lowered to 120 feet and the color was changed to brown. He also discussed the impossibilities of co-locating the tower with the existing Verizon tower and the possibility of adding the Town's communications services to the AT&T tower. He said that his clients would consider initial installation of a 120' tower with the possibility of increasing it to 140' in the future. Gartenstein read a communication received from Ray Carbonell objecting to the erection of the tower as proposed. There was much discussion by the Board. Allen and Schoales spoke in support of more cellphone coverage and the minimal aesthetic impact on the existing industrial nature of the area. Macomber and Gartenstein spoke about the negative impacts of the tower. O'Connor spoke in support of sending a letter of concerns to the PSB about the aesthetic impact but suggested revising the proposed letter.

#### **MOTION BY DAVID GARTENSTEIN TO SEND A LETTER TO THE PUBLIC SERVICE BOARD SUBSTANTIALLY IN THE FORM OF THE LETTER INCLUDED IN THE MATERIALS THAT HAD BEEN PROVIDED, SUBJECT TO FINAL APPROVAL OF THE WORDING AFTER CONSULTATION BETWEEN THE CHAIR, VICE-CHAIR, TOWN MANAGER AND PLANNING DIRECTOR. MOTION CARRIED 3-2 (SCHOALES AND ALLEN OPPOSED).**

## **NEW BUSINESS**

VCDP Planning Grant – Public Hearing, Groundworks Collaborative, 39 Frost Street. Josh Davis, Executive Director of Groundworks Collaborative, Bob Stevens from the engineering firm of Stevens & Associates, and Katie Buckley from Windham Windsor Housing Trust, were present. Davis said that Groundworks Collaborative was a new organization that was formed by a merger of Morningside Shelter and Brattleboro Area Drop In Center. He said that the two organizations had been in discussion for the past three years to combine their services. He said that the homeless shelter was no longer available at the Baptist Church downtown and that Groundworks had identified 39 Frost Street as a potential site for Groundworks. He said that many unknowns still existed for relocation to the site and Groundworks was asking for a grant in the amount of \$30,000 from the Vermont Community Development Program (VCDP) for a Planning Grant to support the Groundworks Housing Resource Center planning project. Bob Stevens spoke about the need for a feasibility study to determine the suitability of the proposed site and said that the cost would be approximately \$30,000. He said that the project was in an early phase and much more was needed, including environmental information, permits, designs, and fundraising, in order to complete the project.

Assistant Town Manager Moreland said that the project budget for this phase was approximately \$41,000 and that the Board was asked to approve three actions, as more particularly set forth in his memo dated August 24, 2015, and being:

(i) Approve an application to the Vermont Community Development Program (VCDP) for a Planning Grant for Groundworks Collaborative in the amount of \$30,000 to support the Groundworks Housing Resource Center planning project;

(ii) Hold a public hearing to adopt the resolution from the VCDP for grant application authority; and

(iii) Approve a grant in the amount of \$5,500 from Program Income to Groundworks Collaborative in support of the Groundworks Housing Resource Center planning project.

Elwell spoke about efforts by Town staff and other businesses, agencies, and organizations to address community challenges around homelessness. He said that the \$30,000 from VCDP would be a grant to the non-profit organization and that such a grant was within the rules. There was some discussion by the Board about the project, proposed site, timeframe of the project, needs of the community, and use of the VCDP funds.

Gartenstein opened the public hearing.

Kate O'Connor announced that she was a member of the Community Development Block Grant (CDBG) Board at the State level. She said that she had authority to participate in the discussion and vote on the matter at the local level and would not participate in the matter at the State level.

Stevens asked about her participation and O'Connor confirmed she was authorized to participate in this matter.

Schoales asked Groundworks representatives to update the Board as the project progressed, and Davis agreed to do so.

Gartenstein said that the Board supported the project and participation in ongoing dialog to address homelessness and other vulnerable populations in the community.

There was no further discussion.

Gartenstein closed the public hearing.

## **MOTION BY JOHN ALLEN TO APPROVE AN APPLICATION TO THE VERMONT COMMUNITY DEVELOPMENT PROGRAM (VCDP) FOR A PLANNING GRANT FOR GROUNDWORKS**

**COLLABORATIVE IN THE AMOUNT OF \$30,000 TO SUPPORT THE GROUNDWORKS HOUSING RESOURCE CENTER PLANNING PROJECT. MOTION CARRIED 5-0.**

**MOTION BY DONNA MACOMBER TO ADOPT THE RESOLUTION FROM THE VCDP FOR GRANT APPLICATION AUTHORITY, IDENTIFYING ASSISTANT TOWN MANAGER PATRICK MORELAND AS THE CONTACT PERSON AND TOWN MANAGER PETER ELWELL AS THE AUTHORIZING OFFICIAL. MOTION CARRIED 5-0.**

**MOTION BY KATE O'CONNOR TO APPROVE A GRANT IN THE AMOUNT OF \$5,500 FROM PROGRAM INCOME TO GROUNDWORKS COLLABORATIVE IN SUPPORT OF THE GROUNDWORKS HOUSING RESOURCE CENTER PLANNING PROJECT. MOTION CARRIED 5-0.**

VCDP Implementation Grant – Public Hearing, Brattleboro Development Credit Corporation (BDCC), Exit 1 Industrial Park. Gartenstein said that the Board was asked to hold a public hearing, approve an application to Vermont Community Development Program (VCDP) for an Implementation Grant, adopt the VCDP resolution, and approve a loan to Brattleboro Development Credit Corporation (BDCC) from the Program Income Fund for the Exit One Expansion Project.

Gartenstein opened the public hearing.

Adam Grinold, Executive Director of BDCC, spoke about the efforts of BDCC to assist with G.S. Precision's expansion project so that the business would remain in Brattleboro at the current location. Elwell spoke about the complicated collaboration efforts between G.S. Precision, BDCC, the Town, and State officials to develop the Exit One Expansion Project and allow for G.S. Precision to expand its business.

Town Manager Elwell and Assistant Town Manager Moreland spoke about the CDBG program and regulations. Moreland said that the Board was asked to approve three actions as more particularly set forth in his memo dated August 21, 2015, being:

- (i) Hold a public hearing and approve an application to the Vermont Community Development Program (VCDP) for an Implementation Grant for the Brattleboro Development Credit Corporation (BDCC) in the amount of \$1 million to support the Exit One Expansion Project;
- (ii) Adopt the resolution from the VCDP for grant application authority, identifying Assistant Town Manager Patrick Moreland as the Contact Person and Town Manager Peter Elwell as the authorizing official; and
- (iii) Approve a loan in the amount of \$200,000 from Program Income to BDCC in support of the Exit One Expansion Project subject to specific terms and conditions that will be determined if and when the VCDP grant is awarded.

Kate O'Connor announced that she was a member of the Community Development Block Grant (CDBG) Board at the State level. She said that she had authority to participate in the discussion and vote on the matter at the local level and would not participate in the matter at the State level. She added that this project was the proper utilization of the VCDP program and funds.

Howard Weiss-Tisman asked about the two different VCDP grants on this agenda and any competing nature of the separate grants. O'Connor said that the Groundworks grant was a feasibility grant and the Exit One Expansion grant was an implementation grant, and that they were separate funds within the program so the projects were not competing with each other.

There was some discussion by the Board about the Exit One expansion project, the VCDP grant, and the collaborative efforts required to maintain businesses within the community.

Gartenstein closed the public hearing.

**MOTION BY DONNA MACOMBER TO APPROVE AN APPLICATION TO THE VERMONT COMMUNITY DEVELOPMENT PROGRAM (VCDP) FOR AN IMPLEMENTATION GRANT FOR THE BRATTLEBORO DEVELOPMENT CREDIT CORPORATION (BDCC) IN THE AMOUNT OF \$1 MILLION TO SUPPORT THE EXIT ONE EXPANSION PROJECT. MOTION CARRIED 5-0.**

**MOTION BY KATE O'CONNOR ADOPT THE RESOLUTION FROM THE VCDP FOR GRANT APPLICATION AUTHORITY, IDENTIFYING ASSISTANT TOWN MANAGER PATRICK MORELAND AS THE CONTACT PERSON AND TOWN MANAGER PETER ELWELL AS THE AUTHORIZING OFFICIAL. MOTION CARRIED 5-0.**

Gartenstein asked about use of the Program Income Fund. Elwell spoke about the use of the funds being the correct application of funds and the resulting positive financial impact for the community allowing G.S. Precision to remain in Brattleboro.

**MOTION BY JOHN ALLEN APPROVE A LOAN IN THE AMOUNT OF \$200,000 FROM PROGRAM INCOME TO BDCC IN SUPPORT OF THE EXIT ONE EXPANSION PROJECT SUBJECT TO SPECIFIC TERMS AND CONDITIONS THAT WILL BE DETERMINED IF AND WHEN THE VCDP GRANT IS AWARDED. MOTION CARRIED 5-0.**

Accept and Appropriate GHSP Grant – 2016 Highway Safety Law Enforcement Grant. Elwell said that the Board was asked to accept and appropriate the 2016 Highway Safety Grant in the amount of \$41,996.25 from the Governor's Highway Safety Program to pay for projects to improve highway safety, reduce DUIs, increase seatbelt use, and reduce deaths and serious injuries due to collisions. There was no discussion by the Board.

**MOTION BY KATE O'CONNOR TO ACCEPT AND APPROPRIATE THE 2016 HIGHWAY SAFETY GRANT IN THE AMOUNT OF \$41,996.25 FROM THE GOVERNOR'S HIGHWAY SAFETY PROGRAM. MOTION CARRIED 4-0 (ALLEN WAS NOT PRESENT AT THE TIME OF THE VOTE).**

Ordinance Amendments – First Reading

- (i) *Appendix C, Article I, Section 16-87 (Loading and Unloading Zones);*
- (ii) *Appendix C, Article II, Section 16-100 (No Parking Areas);*
- (iii) *Chapter 16, Article I, Section 16-7 (Parking Citation Appeal Process).*

Moreland said that the Board was asked to hold a first reading on proposed amendments to three parking ordinances as more particularly described in his memo, dated August 24, 2015, and provided to the Board in its packets. He spoke in detail about the proposed amendments. He said that the Board would be asked to hold a second reading and public hearing on all three amendments at its next meeting. There was a brief discussion by the Board. Gartenstein suggested a minor change in the Chapter 16 amendment to remove the word "remit" and substitute "pay the ticket." He said that the proposed amendments were available at the Town Manager's office.

**NO ACTION TAKEN.**

National Endowment for the Arts (NEA) Our Town Grant –

- (i) *Appoint Selection Committee*
- (ii) *Schedule Special Meeting on September 29 to Hear Public Comment on Selection Committee's Recommendations.*

Gartenstein said that the Board was asked to appoint members to the NEA Our Town Grant Selection Committee. He said that seven people applied, being: Susan Rosano, Meg Barr, Jessica Gelter, Gordon Hayward, Tara Sullivan, Sarah Bowen, and Konstantin von Krusenstiern. He said that interviews were held at 5:15pm today. He asked the Board to determine how many people should be appointed to the committee. There was no discussion.

**MOTION BY DAVID SCHOALES TO HAVE SEVEN PEOPLE ON THE COMMITTEE. MOTION CARRIED 5-0.**

Gartenstein asked the Board to appoint seven members to serve on the committee. There was no discussion by the Board.

**MOTION BY DAVID SCHOALES TO APPOINT THE SEVEN PEOPLE JUST NAMED [SUSAN ROSANO, MEG BARR, JESSICA GELTER, GORDON HAYWARD, TARA SULLIVAN, SARAH BOWEN, AND KONSTANTIN VON KRUSENSTIERN] AS THE SEVEN MEMBERS OF THE SELECTION COMMITTEE. MOTION CARRIED 5-0.**

Committee Appointments. Gartenstein said that an application had been received from Todd Fontaine for appointment to the Recreation & Parks Board. There was no discussion.

**MOTION BY KATE O’CONNOR TO APPOINT TODD FONTAINE TO THE RECREATION & PARKS BOARD FOR A TERM ENDING JUNE, 2017. MOTION CARRIED 5-0.**

Elwell asked the Board to publicly confirm that the Board would hold a special meeting on Tuesday, September 29 to hear, among other things, the NEA Our Town Grant Selection Committee’s recommendations to the Board and take public comment. Gartenstein confirmed that the Board previously agreed to hold two meetings to review the final arts proposals. He said that the Selection Committee would meet publicly (at a date to be determined) to review the proposed 13 final art projects. He said that the Selectboard would hold a special meeting on September 29 to review the final proposals and hear the Selection Committee’s recommendations, and then hold another meeting on October 6 to make the awards for the Our Town Grant.

**NO ACTION TAKEN.**

Name Private Drive – Dogwood Drive (in Black Mountain Estates). Gartenstein said that the Board was asked to approve the street name of Dogwood Drive, a private drive off of Buttonwood Drive in the Black Mountain Estates development. There was a brief discussion by the Board.

**MOTION BY DONNA MACOMBER TO APPROVE THE NAME OF DOGWOOD DRIVE, A PRIVATE DRIVE OFF OF BUTTONWOOD DRIVE IN THE BLACK MOUNTAIN ESTATES DEVELOPMENT. MOTION CARRIED 5-0.**

VLCT Annual Business Meeting – Appoint Delegate. Gartenstein said that the Board was asked to appoint Town Manager Peter Elwell as voting delegate for the Town of Brattleboro at the VLCT Annual Business Meeting to be held at the 2015 Town Fair on Thursday, October 8, 2015. There was a brief discussion.

**MOTION BY DAVID GARTENSTEIN TO APPOINT PETER B. ELWELL AS VOTING DELEGATE FOR THE TOWN OF BRATTLEBORO AT THE VLCT ANNUAL BUSINESS MEETING ON THURSDAY, OCTOBER 8, 2015. MOTION CARRIED 5-0.**

There was no further business.

**MOTION BY JOHN ALLEN TO ADJOURN AT 7:58PM. MOTION CARRIED 5-0.**

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David Schoales, Clerk